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# CIVIL RIGHTS ON DECK

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[www.uscg.mil/Resources/Civil-Rights/](http://www.uscg.mil/Resources/Civil-Rights/)

## Are You CRA Compliant?

The Civil Rights Awareness (CRA) Training is mandatory and must be completed every three (3) years. Currently, the Coast Guard completion rate is 90%!

### Upcoming Training Dates:

Date	Location
13 Nov	Base Kodiak
14 Nov	Baltimore Yard
14 Nov	Coast Guard HQ
14 Nov	Juneau-Federal Bldg.
16 Nov	Base Alameda
19 Nov	Coast Guard HQ
19 Nov	TRACEN Cape May
20 Nov	Base Portsmouth
25 Nov	Coast Guard HQ
26 Nov	TRACEN Cape May

CRA training is purposely facilitated, in-person, by a Civil Rights Service Providers (CRSP), which allows for effective and healthy interaction among participants. The Civil Rights Directorate attributes the Coast Guard's low complaint rate, compared to the federal community, to this way of delivering CRA training. To locate your servicing CRSP and to obtain a complete training schedule, visit: <https://www.uscg.mil/Resources/Civil-Rights/Service-Providers/> or call (888) 992-7387. By Ms. Jeanell Thomas, CRD, USCG HQ

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## Dr. Walton Motivates the CG Workforce "I'm Perfect for the Job."

In honor of National Disability Employment Awareness Month (NDEAM), Coast Guard Headquarters was pleased to host Dr. Donna Walton as its keynote speaker, a multi-disciplinary author, motivational speaker, and advocate for people with disabilities. She is also the founder and president of the non-profit, *The Divas With Disabilities Project*.

This organization's mission is to shape the perception of what "disability" looks like by promoting women of color through various media platforms. Dr. Walton said she is dedicated to this mission because a disability is not a person's sole defining trait. At the age of 18, Dr. Walton's battle with bone cancer forced the amputation of her left leg above the knee. She shared her journey to rebuild her world, including overcoming *Triple Jeopardy Syndrome*. She defined this phrase

and gave examples of how women of color with disabilities are subjected to discrimination based on three characteristics: gender (female), race (African-American), and disability (physical/mental). She also engaged the audience by having them ask, *What's a leg got to do with it (meaning competence)?* Dr. Walton replied, *I believe it has nothing at all to do with it.* By Ms. Deborah Gant, CRD, USCG HQ



Dr. Donna Walton, author, advocate, and speaker pictured with Mr. William R. Grawe, CG Executive Champion for NDEAM.

## Complaints Corner: Harassment Leads to Extended Liability

An agency could be responsible for acts of harassment in the workplace if management knew or should have known about the conduct, unless the agency can show they took immediate corrective action to stop the behavior.

In this case, a Complainant alleged to have been harassed from between October 2010 and June 2012. The agency argued that because the Complainant refused to name the harasser and file a written complaint, management was not liable for harassment until January 2012 when the complaint was initiated. However, the Complaint alleged that from October 2010 through June 2012, she reported and alleged sexual harassment by her shift's lead technician. In October 2010, she stated that she informed her supervisor of the sexual harassment and was told that because it was "her word against theirs," she needed to put the complaint in writing. The Complainant appealed the agency's findings to the Equal Employment Opportunity Commission (EEOC). The EEOC agreed with the Complainant; they found liability extended for a much longer period of time and the harm experienced by the employee was much greater than was determined by the agency. When an agency becomes aware of allegations of harassment, management should investigate and take immediate action to stop the harassment regardless of whether or not the employee decides to file a written complaint. Therefore, the EEOC found that while the Complainant did not file a written complaint, the record showed that management officials were notified about the harassment on numerous occasions in 2010 and 2011. The Complainant was entitled to non-monetary damages, monetary damages, attorney fees and costs. *Shameka M., Complainant, v. Department of Veterans Affairs, EEOC Appeal No. 012018116 (April 4, 2019)*. By Ms. Elizabeth Mercado, CRD, USCG HQ







## IMAGE: CG Member Honored for Exceptional Service

Boatswain's Mate Second Class Luis Ortiz, USCGC PAUL CLARK (WPC-1106), Miami, Florida, was the Coast Guard (CG) recipient of the 2019 National IMAGE Meritorious Service Award. Petty Officer (PO) Ortiz demonstrated exceptional leadership while assigned to the Law Enforcement Program onboard PAUL CLARK. Dedicated to developing others, he mentored 21 personnel, and organized similar training programs at other units. As the cutter's Lead Boarding Officer, PO Ortiz led maritime law enforcement boardings of more than 55 vessels. By assisting and working with mariners to correct discrepancies on the spot, he significantly improved relations with local Hispanic boating communities. PO Ortiz served on Pursuit Crews during seven high-risk interdictions, successfully recovering 46 undocumented migrants and identifying six human traffickers. He ensured all migrants and detainees were treated with professionalism and dignity, while comforting individuals who were anxious, wet, and tired. PO Ortiz's leadership, mentorship, and personal character are an example for all to follow. Petty Officer Ortiz is pictured with CAPT Jose Jimenez, Assistant Director, Civil Rights Directorate, who served as Keynote Speaker for the event. By Mr. Juan Torres, CRD, USCG HQ

## Reasonable Accommodation: Essential Functions



The Equal Employment Opportunity Commission (EEOC) found that an employee was subjected to discrimination when the agency failed to provide him a reasonable accommodation that did not require traveling by airplane. The agency agreed that the employee had a disability that prevented traveling by air. However, the

agency argued that travel by air was an essential function of the employee's job due to the need to travel on short notice. **Essentially, the agency was making a claim of undue hardship if the employee could not travel by air.** In this case, the Commission said "No." The EEOC found that air travel was not an essential function. In fact, in some situations, the agency already followed a practice of identifying and accessing local alternatives instead of incurring travel expenses. Therefore, the agency failed to establish that the employee's inability to fly created an undue hardship. Additionally, the record revealed that the agency viewed the employee's refusal to fly as an attitude problem rather than related to his disability. The EEOC determined that the agency did not engage in good faith efforts to provide the employee with a reasonable accommodation. As a result, the agency was ordered to provide the accommodation, restore all leave related usage, and review the case for further damages. By Mr. Michael Brenyo, CRD, USCG HQ



## How Would You Respond?

Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on religion. How would you respond if you were the supervisor in the following situation?

Arif, who is Muslim, prays five times a day. At least two of his scheduled prayer times occur during his normal work

hours. Arif asked you if he could schedule his breaks at his prayer times. How would you respond?

**You should approve the request if it is not costly or unsafe, and will not impose a negative impact on his co-workers.**

This situation involves treating a person (an applicant or employee) fairly regardless of his or her religious beliefs. The law protects not only people who belong to traditional, organized religions, but also others who hold sincere religious, ethical or moral beliefs. Religious discrimination can also involve treating someone differently because that person is married to (or associated with) an individual of a particular religion. To read more about Religious Discrimination, visit the EEOC website at <https://www.eeoc.gov/laws/types/religion.cfm> or go to Frequently Asked Questions at <https://www.uscg.mil/Family/Civil-Rights/faq/>. By Ms. Deborah Gant, CRD, USCG HQ

## Hispanic Heritage Month Observance: Panelists Relate Their Experiences of Serving Our Nation



Celebrating National Hispanic Heritage Month (NHHM), Commands on Coast Guard Island Alameda, California held a three-member panel during which members shared their experience with the audience. The panel included (left to right): ISS4 Fernando E. Perez, Coast Guard District Eleven; LT Laura Delgado, Civil Engineering Unit Oakland; and Ms. Nely Rivas, an Oakland Military Institute student. LCDR Marc Mares, Pacific Area, served as

the moderator. The panelists discussed their personal experiences serving the nation as Hispanic Americans. When posed a question from the audience, "What does it mean to be Hispanic?," one of the panelists responded, "I always look at what unites us: traditional dances, food, customs, and courtesies, and the fact that we try to make everyone feel appreciated at all times. It's about educating people." Another panelist expressed to the audience the value of taking the opportunity to learn another language. The Oakland Military Institute band also performed, providing the backdrop for the audience participation in traditional Latin dances and Hispanic cuisine sampling. By Ms. Yvonne Nunn, CRD, Region 3

**For Facts About the Coast Guard Anti-Harassment and Hate Incident Procedures: visit <https://www.uscg.mil/Family/Civil-Rights/faq/>.**